

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Benjamin J. Mooneyhan

Docket No. 5:14-CR-161-1D

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Benjamin J. Mooneyhan, who, upon an earlier plea of guilty to three counts of Bank Robbery, in violation of 18 U.S.C. § 2113(a), was sentenced by the Honorable Solomon Oliver, Jr., Chief U.S. District Judge for the Northern District of Ohio, on September 22, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in an approved program of outpatient, inpatient or detoxification substance abuse treatment, which will include drug and alcohol testing to determine if the defendant has reverted to substance abuse.
2. The defendant shall participate in an outpatient mental health treatment program as directed by the probation officer.
3. The defendant shall submit his/her person, residence, place of business, computer, or vehicle to a warrantless search, conducted and controlled by the U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.
4. The defendant shall enter an adult program and work toward a Certificate of General Educational Development (GED) at the discretion of the U.S. Pretrial Services and Probation Officer.
5. The defendant shall pay a special assessment of \$300.00.
6. The defendant shall pay restitution in the amount of \$2,674.00.

Payment during the term of supervised release was ordered to commence within 60 days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or at a rate of at least 10% of defendant's gross monthly income.

The payment of the special assessment of \$300.00 was ordered due in full immediately.

Benjamin J. Mooneyhan was released from custody on March 28, 2014, at which time the term of supervised release commenced.

On May 14, 2014, notice was sent to the Northern District of Ohio asking that their court be notified that the defendant had tested positive for marijuana use on April 28, 2014. Mr. Mooneyhan's drug testing frequency was increased and he was placed in a program for substance abuse treatment. At that time, a transfer of jurisdiction was requested.

On July 30, 2014, jurisdiction was transferred from the Northern District of Ohio to the Eastern District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant has struggled to maintain gainful employment since his release, often working daily labor/daily pay jobs until recently being hired by a manufacturing company in Selma, North Carolina that pays minimum wage. The defendant resides with his mother and sister, and his mother was recently diagnosed with lung cancer. As a result, the household income has become a source of stress and struggle within the family. It is recommended the defendant's financial payment obligation be changed from 10% of his gross monthly income to \$50.00 per month until the financial obligation originally imposed is satisfied. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall make payments towards the financial obligation originally imposed in installments of \$50.00 per month until paid in full.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

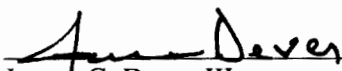
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: September 18, 2014

ORDER OF COURT

Considered and ordered this 25 day of September, 2014, and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge